

FILED

JUL 11 2016

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

FRESENIUS KABI USA, LLC and
FRESENIUS KABI DEUTSCHLAND GMBH

Plaintiffs,

v.

MYLAN LABORATORIES LIMITED,
MYLAN INC., AGILA SPECIALTIES INC.,
and MYLAN PHARMACEUTICALS INC.

Defendants.

C. A. No. 15-185-IMK

STIPULATION AND [PROPOSED] ORDER TO DISMISS WITHOUT PREJUDICE

IT IS HEREBY STIPULATED AND AGREED by and between Fresenius Kabi USA, LLC and Fresenius Kabi Deutschland GmbH (collectively, “Fresenius”) and Mylan Laboratories Limited, Mylan Inc., Agila Specialties Inc., and Mylan Pharmaceuticals Inc. (collectively, “Defendants”) (together with Fresenius, the “Parties”) that:

1. Plaintiffs’ First Amended Complaint for Patent Infringement (D.I. 64), docketed June 6, 2016, concerning Mylan Laboratories Limited’s ropivacaine hydrochloride injection product, as described in ANDA No. 206091, be dismissed without prejudice;
2. The Parties shall bear their own costs and attorneys’ fees.

Dated: July 7, 2016

By: /s/ James F. Companion

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*Attorneys for Mylan Laboratories Limited,
Mylan Inc., Agila Specialties, Inc., and Mylan
Pharmaceuticals Inc.*

IT IS SO ORDERED:

Dated: July 11, 2016

Irene M. Keeley
The Honorable Irene M. Keeley